

## **REMARKS**

### **Claim Objections**

Claims 7 and 14 are objected to because of the following informalities:

Claim 7 recites the limitation “The method as claimed in claim 1 wherein the step of applying one or more image processing algorithms to the subsampled unprocessed color signals includes” in lines 1-3. The examiner states that there is insufficient antecedent basis for this limitation in the claim. Claim 7 has been amended to provide sufficient antecedent basis while depending from Claim 1.

Claim 14 recites the limitation “The method as claimed in claim 11” in line 1.

The examiner believes that this should read “The **video tap apparatus** as claimed in claim 11”. Claim 14 has been amended in this fashion.

### **Claim Rejections – 35 USC § 102**

Claims 1-3, 5-6, 8-9, 11-13, and 15 are rejected under 35 USC 102(b) as being anticipated by Mowry (U.S. Patent No. 5,457,491).

### **Claim Rejections – 35 USC § 103**

Claims 4, 7, 10, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mowry (U.S. Patent No. 5,457,491) in view of Kozuka (US 2002/0044699).

Claims 1, 10-11 herewith are amended.

Reconsideration and allowance of the claims as amended is requested for the following reasons.

The present invention is directed to a method of providing a sub-sampled image of a full resolution captured image while also recording the full resolution captured image. The sub-sampled image is used as a preview of applicable post-production choices that can be applied to the full resolution

captured image. Therefore, image-processing algorithms are applied to the sub-sampled image to emulate what could be applied to the recorded full resolution captured image subsequently in post-production. Claims 1, 10-11 have been amended to emphasize the feature of providing a preview sub-sampled image of applicable post-production choices without requiring a reference medium or reference data. Support for the amended claim can be found in the specification on page 8, lines 20- 33, and Fig. 3.

### **The 102 Rejections**

Mowry discloses actual post processing of captured video images to simulate film by performing a one-time correlation on color data within a look up table. The present invention as now claimed applies image processing algorithms to a subsampled image that is not in post-production, but that enables one to view what would a full resolution image would look like after undergoing post-production processing. No reference data or reference medium is used for reassigning or correlating the color data or image signal as it is in Mowry. The claim is novel because one of Applicant's features is missing in the cited art.

Applicant(s) therefore respectfully request that the Examiner reconsider and withdraw the rejection of the claims under 35 U.S.C. 102(b).

### **The 103 Rejections**

The same reasons recited above, regarding Mowry not disclosing the claimed invention apply equally here to the combination of Mowry and Kozuka. The Examiner has failed to make a *prima facie* case, because at least one of Applicant's features is missing in the cited combination.

Moreover, there is no motivation suggested or taught by Mowry for combining the teachings of Kozuka. The two cited arts are addressing different problems altogether and neither address the problem that the Applicant addresses. The Applicant addresses the problem of maintaining full spatial resolution or dynamic range of a previewed image so that one is able to determine in real time what the full resolution image will look like in post production.

Although Kozuka teaches subsampling, there is no motivation for Mowry to apply any algorithms to the subsampled image signals, because the subsampled signals taught by Kozuka are used to allow for real-time application

of the algorithms on "lesser quality images" (i.e., subsampled for early decision-making purposes) – that do not require all of the image quality criteria that the Applicant addresses (for example, full spatial resolution or dynamic range). Again, the Applicant addresses the need for a real time preview of how the full resolution images may look, once subsequently processed in post production. In stark contrast, Mowry is comparing a video image with a reference film medium at the production or capture stage. Consequently, there is no motivation to combine or modify the teaching of Mowry in light of Kozuka. Furthermore, even if the teaching of Mowry were modified in light of Kozuka, the Applicants' invention would not result, since neither Mowry or Kozuka teach, show, or suggest maintaining full spatial resolution or dynamic range of a previewed image so that one is able to determine in real time what the full resolution image will look like in post production. It is believed that claims 4, 7, 10, and 14 are unobvious in light of the combination Mowry in view of Kozuka.

Applicants have reviewed the cited art made of record and believe that singly or in any suitable combination, they do not render Applicants' claimed invention unpatentable. It is believed that the claims in the application are allowable over the cited art and such allowance is respectfully requested.

Should the Examiner consider that additional amendments are necessary to place the application in condition for allowance, the favor is requested of a telephone call to the undersigned counsel for the purpose of discussing such amendments.

The Commissioner is hereby authorized to charge any fees in connection with this communication to Eastman Kodak Company Deposit Account No. 05-0225.

Respectfully submitted,



Stephen H. Shaw  
Attorney for Applicant(s)  
Registration No. 45,404

SHS/RGR  
Rochester, NY 14650  
Telephone: 585-477-7419  
Facsimile: 585-477-4646